

MEMORANDUM

TO: Governing Board Members

FROM: Ernie Barnett, Director, Office of Everglades Policy and Coordination

DATE: May 10, 2012

SUBJECT: Letter of Support for the Comprehensive Everglades Restoration Plan's Broward County Water Preserve Areas Revised Final Integrated Project Implementation Report and Environmental Impact Statement dated February 2012.

Background:

The SFWMD and the U.S. Army Corps of Engineers (USACE), with input from other federal, state, local agencies and the public have completed the Broward County Water Preserve Areas Revised Final Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) dated February 2012 which is a project in the Comprehensive Everglades Restoration Plan (CERP). The project is intended to improve the quantity, quality, timing and distribution of freshwater discharges to the Everglades, specifically Water Conservation Area 3.

The authority for preparation of the Final Integrated PIR/EIS for the Broward County Water Preserve Areas (BCWPA) Project is contained in Section 601(d) of the Water Resources Development Act of 2000 and the CERP Design Agreement between the USACE and SFWMD.

The Recommended Plan described in the Final Integrated PIR/EIS includes implementation of restoration features in three components:

- C-11 Impoundment
- WCA 3A/3B Seepage Management Area
- C-9 Impoundment

The estimated cost of implementing the Recommended Plan is \$866.7 million to be cost-shared 50-50 by the SFWMD and the USACE as a part of the programmatic cost share for CERP. Approval of the Final Integrated PIR/EIS is a key step toward future Congressional authorization and appropriation for the project which is necessary before signing a Project Partnership Agreement with SFWMD to construct the project.

This action by the Governing Board expresses the Board's non-binding support for the Revised Final Integrated PIR/EIS. The Letter of Support affirms SFWMD's support for the Recommended Plan, and its financial capability to satisfy the obligations of the non-federal sponsor described in the Final Integrated PIR/EIS, should a Project Partnership Agreement (PPA) be executed by the parties. The Letter of Support is needed prior to the USACE issuing a Record of Decision on the project. The issuance of the Record of Decision is a necessary step toward the submittal of the Project Implementation Report to Congress to receive authorization to implement the project. Once authorization occurs, usually through the passage of a Water Resources Development Act, the

USACE will request appropriations from Congress for construction of the project. Congressional appropriations are necessary before the Corps and the SFWMD are able to enter into a Project Partnership Agreement to construct the project. It is at this time that the Governing Board will determine if the SFWMD will execute a Project Partnership Agreement with the USACE that financially commits the SFWMD to the implementation of the project.

How this helps meet the District's 10-Year Strategic Plan: SFWMD's support of the PIR/EIS is consistent with its support of the Comprehensive Everglades Restoration Plan (CERP), and other District initiatives. It is also a critical step toward Congressional authorization and appropriation, which will allow the USACE to begin construction.

Funding Source:

No new funding is associated with this action.

This Board item impacts what areas of the District, both resource areas and geography:

The Broward County Water Preserve Areas Project is located in the western portion of urban Broward County adjacent to Water Conservation Areas 3A and 3B. Planning associated with this project is being managed by the Office of Everglades Policy and Coordination. Review of future USACE design work and USACE led construction will reside in the Engineering and Construction Bureau.

What concerns could this Board item raise?

Although the letter of support is non-binding, it affirms SFWMD's financial capability to satisfy the obligations of the non-federal sponsor described in the PIR/EIS. If the SFWMD Governing Board agrees, through a future resolution, to execute a Project Partnership Agreement (PPA), this project would become part of the 50/50 programmatic cost share for CERP. It is important to note that project implementation will likely occur over a several year period. The SFWMD's cost-share for this project as well as for other CERP projects can be provided by carrying over credits from other projects with signed PPAs, by performing a portion of the Broward County WPAs construction, or by providing cash for the USACE to construct. Further, prior to any project component going forward, the SFWMD will be able to determine that it is financially capable of providing cost share.

Additionally, soils containing residual agricultural chemicals have been identified on project lands. SFWMD Staff is of the opinion that these soils will qualify for USACE handling and cost sharing under the recent ASA-CW policy guidance dated September 14, 2011. If not, SFWMD would be expected to handle the material and be responsible for any additional costs associated with their handling.

Why should the Governing Board approve this item?

Broward County Water Preserve Areas is a key project in CERP. The SFWMD has worked since the mid 1990's to implement this project and make it a part of the CERP. The Broward County Water Preserve Areas Project, delivers important benefits to the Everglades by substantially reducing the damaging discharges of excess runoff and nutrient loading from developed areas into Water Conservation Area 3A, and reducing

excessive seepage from WCA 3A and 3B into western Broward County. Approval of the Final Integrated PIR/EIS is a critical step in the federal process towards receiving Congressional authorization and appropriation.

Reducing phosphorus levels in the southern part of WCA-3A also has the potential to improve water quality entering Everglades National Park at the S-12 and S-333 structures, both of which are compliance points for the Consent Decree entered in *United States v. South Florida Water Management District, et al*, Case No. 88-1886-CIV-Moreno (S.D. Fla.). Two of the BCWPA Project's major features, the C-11 and C-9 impoundments, are part of the SFWMD's Long-Term Plan for Achieving Water Quality Goals.

If you have any questions, please do not hesitate to contact me at ext. 2110.

EB/lc

Attachments: Resolution, Location Map and Letter of Support

Broward County Water Preserve Areas Location Map

